

**Executive Summary – Enforcement Matter – Case No. 48353**

**SHELL OIL COMPANY**

**RN100211879**

**Docket No. 2014-0330-IHW-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IHW

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Shell Oil Deer Park, 5900 Highway 225, Deer Park, Harris County

**Type of Operation:**

Petroleum refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Nos.: 2014-0152-AIR-E  
and 2014-0375-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 1, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$17,500

**Amount Deferred for Expedited Settlement:** \$3,500

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$14,000

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** \$3,850

**Applicable Penalty Policy:** September 2002 and September 2011

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** November 13, 2013

**Date(s) of NOE(s):** February 7, 2014

**Executive Summary – Enforcement Matter – Case No. 48353**

**SHELL OIL COMPANY**

**RN100211879**

**Docket No. 2014-0330-IHW-E**

***Violation Information***

Failed to properly operate and maintain the automatic waste feed cutoff ("AWFCO") system to automatically cutoff the hazardous waste feed when operating conditions deviate from permitted limitations. Specifically, a review of the operational log for June 1, 2011, indicated the hourly rolling average ("HRA") steam flow rate was noted at 87,866.7 pounds per hour, below the Facility's permitted minimum allowance of 90,000 pounds per hour, and a review of the operational log for May 24, 2012, indicated the HRA ash content of waste feed was 46.1309 pounds per hour into the boiler, exceeding the Facility's permitted allowance of 6.5 pounds per hour [30 TEX. ADMIN. CODE § 335.221(a)(6) and 40 CODE OF FEDERAL REGULATIONS § 266.102(e)(1) and Hazardous Waste Permit No. 50099, Provisions V.I.3.b. and V.I.3.d.].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has developed and implemented operational procedures on June 23, 2014 to ensure that the AWFCO system is activated when operating conditions deviate from permitted limitations.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Steven Van Landingham, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-5717; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Barry Klein, General Manager, SHELL OIL COMPANY, P.O. Box 2463, Houston, Texas 77252-2463

Marvin Odum, President, SHELL OIL COMPANY, P.O. Box 2463, Houston, Texas 77252-2463

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	10-Feb-2014	<b>Screening</b>	18-Feb-2014	<b>EPA Due</b>	
	<b>PCW</b>	25-Jun-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	SHELL OIL COMPANY		
<b>Reg. Ent. Ref. No.</b>	RN100211879		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48353	<b>No. of Violations</b>	1
<b>Docket No.</b>	2014-0330-IHW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Steven Van Landingham
		<b>EC's Team</b>	Enforcement Team 6
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$2,500**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **454.0%** Enhancement **Subtotals 2, 3, & 7** **\$11,350**

Notes

Enhancement for 12 orders containing a denial of liability, nine orders without a denial of liability, and 12 NOV's with dissimilar violations. Reduction for 13 notices of audit, six disclosures of violations, and having an environmental management system in place.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts \$153  
Approx. Cost of Compliance \$1,000

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$13,850**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$13,850**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$10,000**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$2,000**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$8,000**

Screening Date 18-Feb-2014

Docket No. 2014-0330-IHW-E

PCW

Respondent SHELL OIL COMPANY

Policy Revision 2 (September 2002)

Case ID No. 48353

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100211879

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Steven Van Landingham

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	12	240%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	9	225%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	13	-13%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	6	-12%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	Yes	-10%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 454%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for 12 orders containing a denial of liability, nine orders without a denial of liability, and 12 NOVs with dissimilar violations. Reduction for 13 notices of audit, six disclosures of violations, and having an environmental management system in place.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 454%

Screening Date 18-Feb-2014

Docket No. 2014-0330-IHW-E

PCW

Respondent SHELL OIL COMPANY

Policy Revision 2 (September 2002)

Case ID No. 48353

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100211879

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Steven Van Landingham

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.221(a)(6) and 40 Code of Federal Regulations ("CFR") § 266.102(e)(1) and Hazardous Waste Permit No. 50099, Provisions V.I.3.b. and V.I.3.d.

Violation Description Failed to properly operate and maintain the automatic waste feed cutoff ("AWFCO") system to automatically cutoff the hazardous waste feed when operating conditions deviate from permitted limitations. Specifically, a review of the operational log for June 1, 2011, indicated the hourly rolling average ("HRA") steam flow rate was noted at 87,866.7 pounds per hour, below the Facility's permitted minimum allowance of 90,000 pounds per hour.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent came into compliance on June 23, 2014, after the settlement offer dated April 17, 2014.

Violation Subtotal \$2,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$153

Violation Final Penalty Total \$13,850

This violation Final Assessed Penalty (adjusted for limits) \$10,000

# Economic Benefit Worksheet

**Respondent** SHELL OIL COMPANY  
**Case ID No.** 48353  
**Reg. Ent. Reference No.** RN100211879  
**Media** Industrial and Hazardous Waste  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	1-Jun-2011	23-Jun-2014	3.06	\$153	n/a	\$153

Notes for DELAYED costs

Estimated cost to develop and implement operational procedures to ensure that the AWFCO system is activated when operating conditions deviate from permitted limitations. The date required is the date of the initial violation and the final date is the compliance date.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$153



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	10-Feb-2014	<b>Screening</b>	18-Feb-2014	<b>EPA Due</b>	
	<b>PCW</b>	25-Jun-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	SHELL OIL COMPANY		
<b>Reg. Ent. Ref. No.</b>	RN100211879		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48353	<b>No. of Violations</b>	1
<b>Docket No.</b>	2014-0330-IHW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Steven Van Landingham
		<b>EC's Team</b>	Enforcement Team 6
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$3,750**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,750**

Notes: Enhancement for 12 orders containing a denial of liability, nine orders without a denial of liability, and 12 NOVs with dissimilar violations. Reduction for 13 notices of audit, six disclosures of violations, and having an environmental management system in place.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts \$0  
Approx. Cost of Compliance \$0  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$7,500**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$7,500**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$7,500**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$1,500**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$6,000**

Screening Date 18-Feb-2014

Docket No. 2014-0330-IHW-E

PCW

Respondent SHELL OIL COMPANY

Policy Revision 3 (September 2011)

Case ID No. 48353

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100211879

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Steven Van Landingham

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	12	240%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	9	225%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	13	-13%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	6	-12%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	Yes	-10%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 454%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for 12 orders containing a denial of liability, nine orders without a denial of liability, and 12 NOVs with dissimilar violations. Reduction for 13 notices of audit, six disclosures of violations, and having an environmental management system in place.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 454%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%



Screening Date 18-Feb-2014

Docket No. 2014-0330-IHW-E

PCW

Respondent SHELL OIL COMPANY

Policy Revision 3 (September 2011)

Case ID No. 48353

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100211879

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Steven Van Landingham

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.221(a)(6) and 40 Code of Federal Regulations § 266.102(e)(1) and Hazardous Waste Permit No. 50099, Provisions V.I.3.b. and V.I.3.d.

Violation Description

Failed to properly operate and maintain the automatic waste feed cutoff ("AWFCO") system to automatically cutoff the hazardous waste feed when operating conditions deviate from permitted limitations. Specifically, a review of the operational log for May 24, 2012, indicated the hourly rolling average ("HRA") ash content of waste feed was 46.1309 pounds per hour into the boiler, above the Facility's permitted allowance of 6.5 pounds per hour.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,750

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent came into compliance on June 23, 2014, after the settlement offer dated April 17, 2014.

Violation Subtotal \$3,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

# Economic Benefit Worksheet

**Respondent** SHELL OIL COMPANY  
**Case ID No.** 48353  
**Reg. Ent. Reference No.** RN100211879  
**Media** Industrial and Hazardous Waste  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit included in violation no. 1 of Penalty Calculation Worksheet Policy Revision 2.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0



# Compliance History Report

**PUBLISHED** Compliance History Report for CN601542012, RN100211879, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN601542012, SHELL OIL COMPANY

**Classification:** SATISFACTORY

**Rating:** 19.96

**Regulated Entity:** RN100211879, SHELL OIL DEER PARK

**Classification:** SATISFACTORY

**Rating:** 23.91

**Complexity Points:** 90

**Repeat Violator:** NO

**CH Group:** 02 - Oil and Petroleum Refineries

**Location:** 5900 HIGHWAY 225 DEER PARK, TX 77536-2434, HARRIS COUNTY

**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG0659W

**AIR OPERATING PERMITS** PERMIT 1668

**AIR OPERATING PERMITS** PERMIT 1945

**AIR OPERATING PERMITS** PERMIT 1947

**AIR OPERATING PERMITS** PERMIT 2108

**POLLUTION PREVENTION PLANNING** ID NUMBER P00619

**WASTEWATER** PERMIT WQ0000402000

**WASTEWATER** PERMIT WQ0000403000

**WASTEWATER** EPA ID TX0004871

**AIR NEW SOURCE PERMITS** REGISTRATION 54895

**AIR NEW SOURCE PERMITS** REGISTRATION 75524

**AIR NEW SOURCE PERMITS** REGISTRATION 76315

**AIR NEW SOURCE PERMITS** REGISTRATION 11177

**AIR NEW SOURCE PERMITS** REGISTRATION 12537

**AIR NEW SOURCE PERMITS** REGISTRATION 13713

**AIR NEW SOURCE PERMITS** PERMIT 1119

**AIR NEW SOURCE PERMITS** PERMIT 3178

**AIR NEW SOURCE PERMITS** PERMIT 3216

**AIR NEW SOURCE PERMITS** PERMIT 6791

**AIR NEW SOURCE PERMITS** REGISTRATION 10888

**AIR NEW SOURCE PERMITS** REGISTRATION 11586

**AIR NEW SOURCE PERMITS** REGISTRATION 12829

**AIR NEW SOURCE PERMITS** REGISTRATION 15961

**AIR NEW SOURCE PERMITS** REGISTRATION 15262

**AIR NEW SOURCE PERMITS** REGISTRATION 15499

**AIR NEW SOURCE PERMITS** PERMIT 18576

**AIR NEW SOURCE PERMITS** PERMIT 22038

**AIR NEW SOURCE PERMITS** REGISTRATION 24096

**AIR NEW SOURCE PERMITS** REGISTRATION 29597

**AIR NEW SOURCE PERMITS** REGISTRATION 33524

**AIR NEW SOURCE PERMITS** REGISTRATION 34358

**AIR NEW SOURCE PERMITS** REGISTRATION 35608

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG0659W

**AIR NEW SOURCE PERMITS** PERMIT 1920

**AIR NEW SOURCE PERMITS** PERMIT 2597

**AIR NEW SOURCE PERMITS** PERMIT 3214

**AIR NEW SOURCE PERMITS** PERMIT 3217

**AIR NEW SOURCE PERMITS** PERMIT 3219

**AIR NEW SOURCE PERMITS** PERMIT 4256

**AIR NEW SOURCE PERMITS** REGISTRATION 41920

**AIR OPERATING PERMITS** PERMIT 1669

**AIR OPERATING PERMITS** PERMIT 1943

**AIR OPERATING PERMITS** PERMIT 1946

**AIR OPERATING PERMITS** PERMIT 1948

**AIR OPERATING PERMITS** PERMIT 1942

**POLLUTION PREVENTION PLANNING** ID NUMBER P07403

**WASTEWATER** EPA ID TX0004863

**WASTEWATER** EPA ID TX0004871

**AIR NEW SOURCE PERMITS** PERMIT 21262

**AIR NEW SOURCE PERMITS** REGISTRATION 55312

**AIR NEW SOURCE PERMITS** REGISTRATION 55869

**AIR NEW SOURCE PERMITS** PERMIT 7855

**AIR NEW SOURCE PERMITS** REGISTRATION 12152

**AIR NEW SOURCE PERMITS** REGISTRATION 13373

**AIR NEW SOURCE PERMITS** REGISTRATION 16429

**AIR NEW SOURCE PERMITS** PERMIT 1120

**AIR NEW SOURCE PERMITS** PERMIT 3179

**AIR NEW SOURCE PERMITS** PERMIT 5801

**AIR NEW SOURCE PERMITS** PERMIT 9334

**AIR NEW SOURCE PERMITS** REGISTRATION 11096

**AIR NEW SOURCE PERMITS** REGISTRATION 12373

**AIR NEW SOURCE PERMITS** REGISTRATION 13678

**AIR NEW SOURCE PERMITS** PERMIT 8236

**AIR NEW SOURCE PERMITS** REGISTRATION 15365

**AIR NEW SOURCE PERMITS** REGISTRATION 15940

**AIR NEW SOURCE PERMITS** PERMIT 19849

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX815

**AIR NEW SOURCE PERMITS** REGISTRATION 27598

**AIR NEW SOURCE PERMITS** REGISTRATION 32282

**AIR NEW SOURCE PERMITS** REGISTRATION 34230

**AIR NEW SOURCE PERMITS** REGISTRATION 35243

**AIR NEW SOURCE PERMITS** PERMIT 37206

**AIR NEW SOURCE PERMITS** AFS NUM 4820100039

**AIR NEW SOURCE PERMITS** PERMIT 1968

**AIR NEW SOURCE PERMITS** PERMIT 3173

**AIR NEW SOURCE PERMITS** PERMIT 3215

**AIR NEW SOURCE PERMITS** PERMIT 3218

**AIR NEW SOURCE PERMITS** PERMIT 3985A

**AIR NEW SOURCE PERMITS** PERMIT 4933

**AIR NEW SOURCE PERMITS** REGISTRATION 41875

AIR NEW SOURCE PERMITS REGISTRATION 42221  
AIR NEW SOURCE PERMITS REGISTRATION 42512  
AIR NEW SOURCE PERMITS REGISTRATION 42118  
AIR NEW SOURCE PERMITS REGISTRATION 45944  
AIR NEW SOURCE PERMITS PERMIT 48912  
AIR NEW SOURCE PERMITS PERMIT 56496  
AIR NEW SOURCE PERMITS REGISTRATION 71567  
AIR NEW SOURCE PERMITS REGISTRATION 50548  
AIR NEW SOURCE PERMITS REGISTRATION 52089  
AIR NEW SOURCE PERMITS REGISTRATION 50388  
AIR NEW SOURCE PERMITS REGISTRATION 74572  
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX896  
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX928M1  
AIR NEW SOURCE PERMITS REGISTRATION 77284  
AIR NEW SOURCE PERMITS REGISTRATION 77952  
AIR NEW SOURCE PERMITS REGISTRATION 78624  
AIR NEW SOURCE PERMITS REGISTRATION 80525  
AIR NEW SOURCE PERMITS REGISTRATION 81971  
AIR NEW SOURCE PERMITS REGISTRATION 87871  
AIR NEW SOURCE PERMITS REGISTRATION 85596  
AIR NEW SOURCE PERMITS REGISTRATION 87173  
AIR NEW SOURCE PERMITS REGISTRATION 92386  
AIR NEW SOURCE PERMITS REGISTRATION 93992  
AIR NEW SOURCE PERMITS REGISTRATION 95595  
AIR NEW SOURCE PERMITS REGISTRATION 98644  
AIR NEW SOURCE PERMITS REGISTRATION 100328  
AIR NEW SOURCE PERMITS REGISTRATION 100945  
AIR NEW SOURCE PERMITS REGISTRATION 101891  
AIR NEW SOURCE PERMITS REGISTRATION 105051  
AIR NEW SOURCE PERMITS REGISTRATION 112737  
AIR NEW SOURCE PERMITS REGISTRATION 113881  
AIR NEW SOURCE PERMITS REGISTRATION 109247  
AIR NEW SOURCE PERMITS REGISTRATION 115095  
AIR NEW SOURCE PERMITS REGISTRATION 112344  
AIR NEW SOURCE PERMITS REGISTRATION 106379  
AIR NEW SOURCE PERMITS REGISTRATION 108593  
AIR NEW SOURCE PERMITS REGISTRATION 105059  
AIR NEW SOURCE PERMITS REGISTRATION 105772

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50099

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE  
REGISTRATION # (SWR) 30007  
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 6001443

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION #  
(SWR) 30007  
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0659W

AIR NEW SOURCE PERMITS REGISTRATION 42573  
AIR NEW SOURCE PERMITS REGISTRATION 43605  
AIR NEW SOURCE PERMITS REGISTRATION 45654  
AIR NEW SOURCE PERMITS REGISTRATION 47575  
AIR NEW SOURCE PERMITS PERMIT 56476  
AIR NEW SOURCE PERMITS REGISTRATION 71223  
AIR NEW SOURCE PERMITS REGISTRATION 54061  
AIR NEW SOURCE PERMITS REGISTRATION 52565  
AIR NEW SOURCE PERMITS REGISTRATION 52088  
AIR NEW SOURCE PERMITS REGISTRATION 50423  
AIR NEW SOURCE PERMITS REGISTRATION 75045  
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX928  
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX974  
AIR NEW SOURCE PERMITS REGISTRATION 76699  
AIR NEW SOURCE PERMITS REGISTRATION 76265  
AIR NEW SOURCE PERMITS REGISTRATION 79604  
AIR NEW SOURCE PERMITS REGISTRATION 80503  
AIR NEW SOURCE PERMITS REGISTRATION 84642  
AIR NEW SOURCE PERMITS REGISTRATION 84538  
AIR NEW SOURCE PERMITS REGISTRATION 87183  
AIR NEW SOURCE PERMITS REGISTRATION 92675  
AIR NEW SOURCE PERMITS REGISTRATION 92219  
AIR NEW SOURCE PERMITS REGISTRATION 94547  
AIR NEW SOURCE PERMITS REGISTRATION 96066  
AIR NEW SOURCE PERMITS REGISTRATION 102096  
AIR NEW SOURCE PERMITS REGISTRATION 98473  
AIR NEW SOURCE PERMITS REGISTRATION 96915  
AIR NEW SOURCE PERMITS REGISTRATION 102948  
AIR NEW SOURCE PERMITS REGISTRATION 105057  
AIR NEW SOURCE PERMITS REGISTRATION 105056  
AIR NEW SOURCE PERMITS REGISTRATION 105060  
AIR NEW SOURCE PERMITS REGISTRATION 105055  
AIR NEW SOURCE PERMITS REGISTRATION 117430  
AIR NEW SOURCE PERMITS REGISTRATION 112313  
AIR NEW SOURCE PERMITS REGISTRATION 115088  
AIR NEW SOURCE PERMITS REGISTRATION 105058  
AIR NEW SOURCE PERMITS REGISTRATION 114863  
PETROLEUM STORAGE TANK STAGE II REGISTRATION 32780

INDUSTRIAL AND HAZARDOUS WASTE EPA ID  
TXD067285973  
INDUSTRIAL AND HAZARDOUS WASTE EPA ID  
TXD000750620  
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010320

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION  
32780

Compliance History Period: September 01, 2008 to August 31, 2013 Rating Year: 2013 Rating Date: 09/01/2013  
Date Compliance History Report Prepared: February 20, 2014  
Agency Decision Requiring Compliance History: Enforcement  
Component Period Selected: February 20, 2009 to February 20, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Steven Van Landingham

Phone: (512) 239-5717

### Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES

*Published Compliance History Report for CN601542012, RN100211879, Rating Year 2013 which includes Compliance History (CH) components from February 20, 2009, through February 20, 2014.*

- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### **Components (Multimedia) for the Site Are Listed in Sections A - J**

#### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 06/15/2009 ADMINORDER 2008-1621-AIR-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: Special Condition #1 PERMIT
- Description: Failure to prevent the shutdown of the compressor.
- Classification: Moderate
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: FOP O-01669, General Terms & Conditions OP
- Description: Failure to submit the annual Permit Compliance Certification within 30 days of the end of the certification period.
- 2 Effective Date: 08/23/2009 ADMINORDER 2008-1092-AIR-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: 21262 AND PSD-TX-928, SC No. 1 PERMIT
- Description: Shell exceeded permit limits during an avoidable emissions event.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: Permit PERMIT
- Description: Failed to prevent the unauthorized emissions of: 2,540 lbs of VOC, 12 lbs of H2S, 452 lbs of NOx, 3,248 lbs of CO, and 1,216 lbs of SO2 released from the OP2 Elevated Flare, the OP3 Elevated Flare, and the OP3 Ground Flare during an emissions event that occurred on March 7, 2008 and lasted 4 hours and 0 minutes. Since the emissions event was avoidable, Shell failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code 101.222.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: Special Condition #1 PERMIT
- Description: Failed to prevent plugging of level transmitter (LT-257) tap.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: Special Condition #1 PERMIT
- Description: Failed to prevent an electrical short during installation of additional alarm at SRU Unit.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent wet gas compressor malfunction.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: MAERT PERMIT

Description: Failed to prevent the shutdown of the SRUs.

3 Effective Date: 08/31/2009 ADMINORDER 2008-1925-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PA

Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions from the North Property Flare on June 18, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8, NSRP 3219/PSDTX974 PA

Description: Failed to prevent unauthorized emissions from the OP-2 Elevated Flare, OP-3 Elevated Flare, and from the OP-3 Ground Flare on June 29, 2008

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC No. 1 PERMIT

Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions from the North Property Flare on July 17, 2008.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

5C THSC Chapter 382 382.085(b)

Description: Failed to timely provide information requested by the TCEQ Houston Regional Office regarding the July 17, 2008 emissions event.

4 Effective Date: 10/31/2009 ADMINORDER 2009-0465-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emissions event occurred from November 13 through 15, 2008, due to accumulation of rain resulting from clogged drain lines on a floating tank roof (Emission Point No. TOL905), that lasted for 38 hours and 44 minutes, resulting in the release of 10,169.40 pounds of volatile organic compounds.

5 Effective Date: 03/20/2010 ADMINORDER 2009-0806-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,514.6 pounds ("lbs") of volatile organic compounds ("VOC") [including 3.6 lbs of the Highly Reactive VOC ("HRVOC") ethylene and 884.2 lbs of the HRVOC propylene], 152.3 lbs of hydrogen sulfide, 82.7 lbs of nitrogen dioxide, 597.3 lbs of carbon monoxide, 16.8 lbs of particulate matter and 14,329.3 lbs of sulfur dioxide from the Distilling Hydrotreater ("DHT") Unit and the Catalytic Cracking Unit during an avoidable

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,520.79 lbs of VOC, 16.28 lbs of H<sub>2</sub>S, 147.84 lbs of benzene, 426.70 lbs of SO<sub>2</sub>, 51.50 lbs of nitrogen oxide, 372.10 lbs of CO, 8.60 lbs of PM, 103.89 lbs of ethane, 292.53 lbs of methane, 12.75 lbs of nitrogen and 2.15 lbs of hydrogen from Distillation Unit 2 during an avoidable emissions event (Incident No. 119042) that began January 18, 2009 and lasted eight hours and four minutes. The event was caused the malfunction

6 Effective Date: 06/18/2010 ADMINORDER 2009-1789-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Shell failed to prevent unauthorized emissions. Shell Aromatics Concentration Unit operators caused unauthorized emissions when they landed the internal floating roof of tank, D-381. The operator failed to monitor the tank pump-out rates, and the tank level indication alarms. (Incident No. 125893). This resulted in the routing of emissions to the atmosphere.

7 Effective Date: 06/26/2010 ADMINORDER 2009-2090-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 125,980 pounds ("lbs") of volatile organic compounds, 262 lbs of benzene and 34 lbs of hydrogen sulfide from Distillation Unit 2 during an avoidable emissions event that began May 19, 2009 and lasted 20 minutes. The emissions event was the result of operators utilizing the No. 3 Crude Line even though water had accumulated in the line. The water flashed into steam which increased column pressure, resulting in the release

8 Effective Date: 07/11/2010 ADMINORDER 2009-1984-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,972 lbs of VOC, 5,816 lbs of CO and 1,062 lbs of NO<sub>x</sub> from flaring at the Olefins Flare System in the Olefins 3 Unit during an avoidable emissions event (Incident No. 126985) that began July 19, 2009 and lasted nine hours and 58 minutes. The event was the result of an operator not following the established procedure for bypassing the Instrument Protection Function transmitters. As a result, the LI-5026Z transmitter

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 37.08 pounds of benzene from the Aromatics Concentration Unit during an avoidable emissions event (Incident No. 127526) that was discovered July 28, 2009 and lasted two hours. An internal floating roof of a storage tank was lowered to the point where the vacuum breaker opened releasing emissions to the atmosphere. The tank level alarm was improperly set, so there was no indication that the vacuum breaker had

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THSC Chapter 382 382.085(b)

Description: Failed to submit the initial notification for Incident No. 127526 within 24 hours after the discovery of the event and failed to submit the final report within 14 days after the end of the event. Specifically, the initial notification was due July 29, 2009 but was not submitted until July 31, 2009, and the final report was due August 11, 2009 but was not submitted until August 12, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PA  
Special Condition 13 OP

Description: Failed to comply with hourly VOC emission rates. Specifically, the Respondent exceeded the 0.98 lb/hour VOC limit for the C39 Scrubber Column Vent on 221 occasions and released an aggregate amount of 57.18 lbs of unauthorized VOC emissions over a total of 119 hours, from July 29 through September 11, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. 3179, Spec. Cond. No. 6 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 241.40 lbs of VOC, 121.70 lbs of CO and 25.20 lbs of NOx from the HIPA flare in the LPG Unit during an avoidable emissions event (Incident No. 127809) that began July 3, 2009 and lasted five hours. The event was not discovered until August 5, 2009, during the internal monthly compliance review. The event was due to a faulty relief valve prematurely opening, allowing emissions to enter the flare. Since this emissions

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 6 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 278.40 lbs of volatile organic compounds ("VOC"), 240.10 lbs of carbon monoxide ("CO") and 39 lbs of nitrogen oxide ("NOx") from the Houston Isopropyl Alcohol ("HIPA") flare in the LPG ("Liquified Petroleum Gas") Unit during an avoidable emissions event (Incident No. 127810) that began July 15, 2009 and lasted five hours. The event was not discovered until August 5, 2009, during the internal monthly compliance review

9 Effective Date: 10/25/2010 ADMINORDER 2009-1300-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02108 STC 15 OP  
FOP O-02108 STC 1A OP  
NSR 18576 SC 4A PERMIT  
NSR 1968 SC 2 PERMIT  
NSR 19849 SC 2A PERMIT  
NSR 3173 SC 4 PERMIT  
NSR 3179 SC 14 PERMIT

Description: Failed to maintain minimum heating value at the HIPA and A&S Flares.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02108 STC 15 OP  
FOP O-02108 STC 1A OP  
NSR 18576 SC 4A PERMIT  
NSR 19849 SC 26 PERMIT

Description: Failed to meet the net heating value and exit velocity at the A&S Flare.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02108 STC 1A OP  
FOP STC O-02108 15 OP  
NSR 18576 SC 4B PERMIT  
NSR 1968 SC 2 PERMIT  
NSR 19849 SC 2B PERMIT

Description: Failed to maintain records of the pilot monitoring data at the A&S Flare from April 21, 2008 through



- 10 Effective Date: 02/05/2011 ADMINORDER 2010-0609-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition No. 1 PERMIT  
Description: Failed to prevent unauthorized emissions during Incident No. 133506. Since this emissions event could have been avoided through better maintenance practices, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 for an affirmative defense were not met.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions during Incident No. 134189. Since this emissions event could have been avoided through better operational practices, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 for an affirmative defense were not met.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition No. 1 PERMIT  
Description: Failed to prevent unauthorized emissions during Incident No. 134301. Since this emissions event could have been avoided through better operational practices, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 for an affirmative defense were not met.
- 11 Effective Date: 04/18/2011 ADMINORDER 2010-1331-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Since this emissions event could have been avoided by better operational practices and was reported late, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present affirmative defense were not met.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to submit the initial notification for Incident No. 136726 within 24 hours after the discovery of the event and failed to submit the final report within 14 days after the end of the event.
- 12 Effective Date: 05/08/2011 ADMINORDER 2010-1439-IHW-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter F 335.173(a)(3)  
40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.301(a)(2)  
Rqmt Prov: V.G.4.g. OP  
Description: Failed to ensure that the leachate depth in the leachate collection/leak detection system does not exceed 12 inches above the liner. Specifically, based on review of the Leachate Log, a TCEQ investigator noted leachate levels above the maximum permitted level of 12 inches on 14 occasions in Cell 2 of the Site 104 Landfill located at the Plant.
- 13 Effective Date: 06/20/2011 ADMINORDER 2010-1351-MLM-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(iii)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: PSD-TX-928 PERMIT  
Description: Failing to provide first repair attempt records for three leaking pumps. Specifically, Tag Nos. 115830, 26001 and 40477 were detected to be leaking on April 11, 2007, April 10, 2007, and May 10, 2007. During an enforcement review meeting on December 17, 2009, leaking component records were requested; however, Respondent did not provide accurate records to demonstrate compliance for these pumps until October 20, 2010.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Part 61, Subpart V 61.242-7(d)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01669, SC 1(A) OP

FOP O-01669, SC 24 OP

NSR 21262, SC 2 PERMIT

NSR 21262, SC 3(A) PERMIT

NSR 21262, SC 3(B) PERMIT

NSR 21262, SC 4(D) PERMIT

NSR 21262, SC 9(I) PERMIT

SC 2, 3(A), 3(B), 4(D), 9(I) PERMIT

Description: Failing to repair or place the valve on delay of repair by the 15th day after the detection of a leak. Specifically, Tag. No. 41855 was detected leaking on February 13, 2007, and was not repaired until March 20, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01669, General Terms & Conditions OP

Description: Failing to report all instances of deviations. Specifically, a total of 7 deviations were missing from reports for the following time periods: November 22, 2006 through May 21, 2007, May 22, 2007 through November 21, 2007, November 22, 2007 through December 31, 2007, January 1, 2008 through June 30, 2008, and July 1, 2008 through December 31, 2008;

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(ii)

5C THSC Chapter 382 382.085(b)

Description: Failing to prevent the exceedance of 3.5 pounds per gallon ("lbs/gal") volatile organic compounds ( VOC ) on a daily basis. Specifically, EPN PAINTFE exceeded this limit on 98 occasions, with amounts ranging from 3.51 lbs/gal to 6.98 lbs/gal from January 2, 2008 through July 31, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01669, SC 1(A) OP

FOP O-01669, SC 24(A) OP

NSR 21262, SC 2 PERMIT

NSR 21262, SC 24 PERMIT

NSR 21262, SC 4 PERMIT

SC 2, 4, 24 PERMIT

Description: Failing to maintain a minimum of 300 British thermal units per standard cubic foot ("Btu/scf") for EPN COKEFLARE. Specifically, EPN COKEFLARE fell below the required heating value for a total of three hours on three separate days in January, May, and July, 2008, with heating values ranging from 238 Btu/scf to 231 Btu/scf.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01669, SC 24(A) OP

General Condition 8 PERMIT

NSR 46535, SC 1 PERMIT

Description: Failing to maintain compliance with the MAERT for sulfur dioxide ( SO<sub>2</sub> ) for the Cracked Gas Hydrotreater

Furnace ("EPN H36100"). Specifically, EPN H36100 emitted 7.3067 tons in 2007, and the allowed limit is 4.48 tons per year.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(2)(i)(E)

Rqmt Prov: Permit Provision (PP) V.I.3.b.(1) PERMIT

Description: Failing to maintain the minimum combustion temperature at the BIF of 1800 degrees Fahrenheit. Specifically, on March 26, 2009 and May 20, 2009, a total of three excursions occurred and the temperature fell to 1744.14, 1770.38, and 1721.2 degrees Fahrenheit, respectively.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(7)(ii)

Rqmt Prov: PP V.I.7.d. PERMIT

Description: Failing to test or document the rationale that the BIF was being tested at least every 30 days. Specifically, more than a 30 day gap was noted from September 10, 2008 through October 14, 2008, and from December 10, 2008 until January 29, 2009

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)  
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)

Rqmt Prov: PP V.I.7.e. PERMIT

Description: Failing to record observations in an inspection log or summary at the BIF area. Specifically, a phenol heavy waste stream had leaked around the pump in a secondary containment, the boiler water was leaking and being collected into a fracture tank, and the operator did not make any notations about these problems on the daily BIF inspection log.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC No. 1 PERMIT

Special Condition #1 PERMIT

Description: Failing to prevent the unauthorized release of air contaminants into the atmosphere when the V-5102 Crude Column was overpressured when the wash water entered the feed crude train at the DU2. Specifically, on May 17, 2009, during this two-minute emission event (Incident No. 124343) the following emissions were released: 7.587 tons of VOCs, 4 lbs. of hydrogen sulfide ( H<sub>2</sub>S ), and 32 lbs of benzene. The TCEQ determined these emissions could have been avoided by better operational practices.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(2)(i)(E)

Rqmt Prov: V.I.3.b.1 OP

Description: Failing to maintain the minimum combustion temperature of 1800 degrees Fahrenheit while hazardous waste is being fed to the BIF unit. Specifically, Respondent fed hazardous waste to the BIF unit below the minimum combustion temperature on June 24, 2009, August 28, 2009, September 10, 2009, and September 19, 2009.

14 Effective Date: 06/20/2011 ADMINORDER 2010-1889-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

15 Effective Date: 06/20/2011 ADMINORDER 2010-1538-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event that occurred on May 7, 2010.

16 Effective Date: 07/31/2011 ADMINORDER 2010-2072-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: The Respondent is alleged to have failed to prevent unauthorized emissions from the OP2 Elevated Flare, the

- 17 Effective Date: 10/17/2011 ADMINORDER 2011-0475-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions.
- 18 Effective Date: 02/18/2012 ADMINORDER 2011-0860-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
Rqmt Prov: General Terms and Conditions OP  
Description: Failure to timely submit a PCC Report certifying the first semi-annual reporting period January 1, 2010 through June 30, 2010. (Category A8(c)(1)(E))  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: General Terms and Conditions 01/24/2005 OP  
Description: Failed to submit a PCC under Title V Permit O-01948 within the required 30-day timeframe for the certification period of January 1, 2010 through December 31, 2010  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: General Terms and Conditions OP  
Description: Failed to submit a PCC under Title V Permit O-01668 within the required 30-day timeframe for the certification period of January 1, 2010 through June 30, 2010  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 OP  
Description: Failure to submit permit compliance certification for the period January 1, 2010 through June 30, 2010. Violation Category A8(c)(1)(E). This is a high priority violation (HPV).  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Conditions 1 OP  
Description: Failed to report as deviation for not submitting a PCC for the period January 1, 2010 through June 30, 2010. Category C3 violation.  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Permit No. 1943 ORDER  
Description: Failure to submit a timely PCC report certifying the first semi-annual reporting period January 1, 2010 through June 30, 2010 [Category A8; Attachment A c.(1)(E)]  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: General Terms & Conditions OP  
Description: Failure to submit a PCC under Title V Permit O-01669 within the required 30-day timeframe for the certification period of January 1, 2010 through December 31, 2010  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to report two emissions events and four startups/shutdowns as deviations in the deviation report dated July 30, 2010

This violation discovered by the investigator during the course of this investigation

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.146(1)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to submit a PCC under Title V Permit O-01945 within the required 30-day timeframe for the certification period of January 1, 2010 through June 30, 2010

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.146(1)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to submit a permit compliance certification report. Category A8(c)(1)(E)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to report as deviation for not submitting a PCC for the first semi-annual reporting period January 1, 2010 through June 30, 2010. Category C3 violation.

19 Effective Date: 05/25/2012 ADMINORDER 2011-1311-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT

ST&C 2.I PERMIT

Description: Failure to prevent unauthorized emissions. Shell failed to prevent a leak on the overhead of the DU2 Unit Crude Column V-5102.

20 Effective Date: 08/17/2012 ADMINORDER 2011-2121-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1668, STC 15 OP

NSR Permit 3219, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions on June 7, 2011 in Olefins Plant 3. Because the event could have been avoided by better operating practices and was not reported properly, Shell Chemical LP did not meet the criteria for claiming an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

5C THSC Chapter 382 382.085(b)

Description: Failed to include all the total quantities of contaminants released in the final report the emissions event that occurred on June 7, 2011 in Olefins Plant 3.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1669, STC 22 OP

NSR Permit 21262, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event in the Coker Unit that began on June 12, 2011. Because the event could have been avoided by better operating practices, Shell Oil Company did not meet the criteria for claiming an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)  
5C THSC Chapter 382 382.085(b)

Description: Failed to provide timely submittal of additional information to the TCEQ by August 1, 2011 for the emissions event that began on June 12, 2011 in the Coker Unit.

21 Effective Date: 03/21/2013 ADMINORDER 2012-1385-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 165218. Specifically, 35.60 pounds ("lbs") of 1,3 butadiene, 440.56 lbs of cis-2-butene, 637.99 lbs of trans-2-butene, 511.19 lbs of n-butane, 1,392.48 lbs of butene 1\_isobutene, 892.50 lbs of butanes and isobutanes, 20 lbs of propane, 339.60 lbs of other volatile organic compounds ("VOC"), and 4.90 lbs of propylene were released during an emissions event (Incident No. 165218) which began on February 22, 2012, and lasted for 24 mi

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	February 25, 2009	(750216)
Item 2	March 23, 2009	(750217)
Item 3	April 02, 2009	(722827)
Item 4	April 20, 2009	(750214)
Item 5	April 30, 2009	(744066)
Item 6	May 11, 2009	(741959)
Item 7	May 13, 2009	(742834)
Item 8	May 14, 2009	(742134)
Item 9	May 19, 2009	(768315)
Item 10	May 20, 2009	(768321)
Item 11	June 01, 2009	(742131)
Item 12	June 15, 2009	(768316)
Item 13	July 22, 2009	(763029)
Item 14	August 12, 2009	(764686)
Item 15	August 13, 2009	(760336)
Item 16	August 19, 2009	(804534)
Item 17	September 17, 2009	(804535)
Item 18	September 23, 2009	(766994)
Item 19	September 28, 2009	(777627)
Item 20	October 23, 2009	(778758)
Item 21	October 30, 2009	(765451)
Item 22	November 10, 2009	(760343)
Item 23	November 19, 2009	(804544)
Item 24	November 30, 2009	(780176)
Item 25	December 09, 2009	(778830)
Item 26	December 17, 2009	(804538)
Item 27	January 13, 2010	(787368)
Item 28	January 20, 2010	(804539)
Item 29	February 01, 2010	(788201)
Item 30	February 18, 2010	(804533)
Item 31	February 23, 2010	(787148)
Item 32	March 15, 2010	(789829)
Item 33	March 17, 2010	(830837)
Item 34	March 25, 2010	(794199)
Item 35	March 29, 2010	(792150)
Item 36	April 02, 2010	(794620)

**Published** Compliance History Report for CN601542012, RN100211879, Rating Year 2013 which includes Compliance History (CH) components from February 20, 2009, through February 20, 2014.

Item 37	April 05, 2010	(797068)
Item 38	April 06, 2010	(783318)
Item 39	April 12, 2010	(793088)
Item 40	April 21, 2010	(798275)
Item 41	April 22, 2010	(830838)
Item 42	April 29, 2010	(800569)
Item 43	May 07, 2010	(797014)
Item 44	May 10, 2010	(797040)
Item 45	May 19, 2010	(801115)
Item 46	May 20, 2010	(801366)
Item 47	May 25, 2010	(824557)
Item 48	May 26, 2010	(802424)
Item 49	June 18, 2010	(830841)
Item 50	June 22, 2010	(798148)
Item 51	July 09, 2010	(826170)
Item 52	July 19, 2010	(860848)
Item 53	July 26, 2010	(803128)
Item 54	July 27, 2010	(824430)
Item 55	July 28, 2010	(842924)
Item 56	August 09, 2010	(800144)
Item 57	August 17, 2010	(803124)
Item 58	August 19, 2010	(866815)
Item 59	August 31, 2010	(803142)
Item 60	September 16, 2010	(873886)
Item 61	October 19, 2010	(881488)
Item 62	November 17, 2010	(888016)
Item 63	December 17, 2010	(896221)
Item 64	January 18, 2011	(902290)
Item 65	January 21, 2011	(878058)
Item 66	February 17, 2011	(909066)
Item 67	March 08, 2011	(900041)
Item 68	March 14, 2011	(916329)
Item 69	March 15, 2011	(859959)
Item 70	March 23, 2011	(906934)
Item 71	April 08, 2011	(906978)
Item 72	April 18, 2011	(924772)
Item 73	April 27, 2011	(901538)
Item 74	May 12, 2011	(901220)
Item 75	May 16, 2011	(901224)
Item 76	May 18, 2011	(938010)
Item 77	June 07, 2011	(912033)
Item 78	June 17, 2011	(915211)
Item 79	June 20, 2011	(945334)
Item 80	July 01, 2011	(936461)
Item 81	July 22, 2011	(937608)
Item 82	August 01, 2011	(923435)
Item 83	August 17, 2011	(948249)
Item 84	August 18, 2011	(959288)
Item 85	August 23, 2011	(937593)
Item 86	August 26, 2011	(937667)
Item 87	August 29, 2011	(937668)
Item 88	August 30, 2011	(937207)
Item 89	September 15, 2011	(965321)
Item 90	September 28, 2011	(937483)
Item 91	October 13, 2011	(971361)
Item 92	November 17, 2011	(977521)
Item 93	December 09, 2011	(965179)
Item 94	December 12, 2011	(969310)
Item 95	December 16, 2011	(970016)
Item 96	December 19, 2011	(984287)

Item 97	January 12, 2012	(990589)
Item 98	January 17, 2012	(964848)
Item 99	February 06, 2012	(976905)
Item 100	February 15, 2012	(987664)
Item 101	February 20, 2012	(997950)
Item 102	February 24, 2012	(987343)
Item 103	March 16, 2012	(994459)
Item 104	March 20, 2012	(1003474)
Item 105	March 30, 2012	(976906)
Item 106	April 10, 2012	(989049)
Item 107	April 18, 2012	(987396)
Item 108	April 19, 2012	(1010037)
Item 109	May 03, 2012	(997861)
Item 110	May 15, 2012	(1006516)
Item 111	May 18, 2012	(1016432)
Item 112	June 20, 2012	(1024153)
Item 113	June 29, 2012	(1009226)
Item 114	July 10, 2012	(1015877)
Item 115	July 20, 2012	(1031549)
Item 116	July 30, 2012	(1013049)
Item 117	August 16, 2012	(1008493)
Item 118	August 20, 2012	(1037925)
Item 119	September 05, 2012	(1013053)
Item 120	September 13, 2012	(1020375)
Item 121	September 18, 2012	(1031344)
Item 122	October 02, 2012	(1021281)
Item 123	October 18, 2012	(1060822)
Item 124	November 20, 2012	(1060823)
Item 125	December 19, 2012	(1060824)
Item 126	January 18, 2013	(1078933)
Item 127	January 25, 2013	(1046537)
Item 128	February 08, 2013	(1050758)
Item 129	February 20, 2013	(1078934)
Item 130	February 27, 2013	(1059517)
Item 131	March 20, 2013	(1089290)
Item 132	March 29, 2013	(1060207)
Item 133	April 10, 2013	(1059686)
Item 134	April 18, 2013	(1095685)
Item 135	April 29, 2013	(1073262)
Item 136	May 20, 2013	(1095684)
Item 137	June 20, 2013	(1110285)
Item 138	July 19, 2013	(1117169)
Item 139	July 31, 2013	(1098624)
Item 140	August 07, 2013	(1102332)
Item 141	August 20, 2013	(1124926)
Item 142	September 18, 2013	(1129525)
Item 143	October 17, 2013	(1135256)
Item 144	November 05, 2013	(1095043)
Item 145	November 14, 2013	(1106142)
Item 146	November 20, 2013	(1140655)
Item 147	December 18, 2013	(1147113)
Item 148	January 15, 2014	(1114349)
Item 149	January 17, 2014	(1153182)
Item 150	February 03, 2014	(1135116)
Item 151	February 18, 2014	(1139856)

#### E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 03/22/2013 (1054740) CN601542012

**Published** Compliance History Report for CN601542012, RN100211879, Rating Year 2013 which includes Compliance History (CH) components from February 20, 2009, through February 20, 2014.



	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G) 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H) 5C THSC Chapter 382 382.085(b)		
	Description:	Shell failed to report totally during emissions event Incident No. 177413.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) Special Condition No. 1 PERMIT		
	Description:	Shell failed to prevent unauthorized emissions during Incident No. 177413.		
2	Date:	05/08/2013 (1073260)	CN601542012	
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter H 115.782(b)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Title V O1946, ST&C 1A PERMIT		
	Description:	Failure to repair a valve in HRVOC service within the time frame required		
3	Date:	06/03/2013 (1073258)	CN601542012	
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A) 30 TAC Chapter 116, SubChapter B 116.110(a)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Terms & Conditions 17 OP		
	Description:	Failure to notify TCEQ using form PI-7 within ten days following a change of tank service from benzene to toluene. (Category C3)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 9 PERMIT Special Terms & Conditions 17 OP		
	Description:	Failure to maintain tank fill rate of D350 below permitted limits. (Category B19g1)		
4	Date:	06/30/2013 (1117170)	CN601542012	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
5	Date:	07/26/2013 (1073213)	CN601542012	
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 18 PERMIT Special Terms and Conditions 21 OP		
	Description:	Failure to maintain minimum firebox temperature in the Regenerative Thermal Oxidizer (RTO) (EPN H87002) (Category B19g1)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2) 5C THSC Chapter 382 382.085(b) Special Terms & Conditions 1A OP		
	Description:	Failure to maintain minimum hazardous air pollutant removal / destruction efficiency of the Catalytic Incinerator (EPN H9200) (Category B19g1).		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT Special Terms & Conditions 21 OP		
	Description:	Failure to prevent exceedance of carbon monoxide (CO) concentration and emissions rate limits from the Phenol/Acetone Plant Boiler (EPN H87920) (Category B14)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.116(d)(2)		

30 TAC Chapter 122, SubChapter B 122.143(1)  
General Terms & Conditions OP

Description: Failure to revise NSR Permit 3179 to incorporate operational changes documented in PBR Registration No. 87871 (Category C3).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)  
5C THSC Chapter 382 382.085(b)  
Special Conditon 14A PERMIT  
Special Terms & Conditions 21 OP

Description: Failure to maintain permitted flare tip velocity and net heating value on flares A-1301, A-1331 and A-1333 (Category B19g1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Terms & Conditions 1.H(i) OP

Description: Failure to collect daily grab samples within ten hours of analyzer malfunction at Flare A1301 (Category C1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 22.E PERMIT  
Special Terms & Conditions 1A OP  
Special Terms & Conditions 21 OP

Description: Failure to seal an open ended line (OEL) (Category C10).

6 Date: 07/31/2013 (1124925) CN601542012

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

7 Date: 08/12/2013 (1073265) CN601542012

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THSC Chapter 382 382.085(b)  
SC 2 PERMIT  
ST&C 1A and 25 PERMIT

Description: H2S exceedances in refinery fuel gas

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
5C THSC Chapter 382 382.085(b)  
SC 2 PERMIT  
ST&C 1A & 25 PERMIT

Description: SO2 exceedances from the Sulfur Recovery Unit (SRU) Incinerators (EPN SR3/4 Stack & SR5 Stack)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)  
5C THSC Chapter 382 382.085(b)  
SC 2 PERMIT  
ST & C 1A and 25 PERMIT

Description: CO exceedances from the Fluid Catalytic Cracking Unit (FCCU) Catalyst Regenerator (EPN H5500 Stack)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
ST & C 1A PERMIT

Description: NH3 exceedances from the Catalytic Reformer SCR (EPN H53NN) and the FCCU CO Boiler (H600)

Self Report? NO Classification: Minor

Citation:	30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) ST & C 1A PERMIT		
Description:	Failure to operate the Process Heater H5200 in HRVOC service within the established operating parameter limit		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6) 5C THSC Chapter 382 382.085(b) SC 24 PERMIT ST & C 1A and 25 PERMIT		
Description:	Failure to operate the North Property Flare (FLNFLARE) and the East Property Flare (EPFLARE) with the minimum net heating value of 300 Btu/scf and/or the maximum flare tip velocity		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5) 5C THSC Chapter 382 382.085(b) SC 24 PERMIT ST & C 1A and 25 PERMIT		
Description:	Failure to record flare's pilot flame presence for Girbitol Flare (EPN GIRBFLARE)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 19 PERMIT ST & C 25 PERMIT		
Description:	Failure to maintain the moisture content of no less than 7 percent for all coke stockpiles		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THSC Chapter 382 382.085(b) SC 9E PERMIT ST & C 1A and 25 PERMIT		
Description:	Open-ended lines		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.354(5) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(b)(1) 5C THSC Chapter 382 382.085(b) SC 9H PERMIT ST & C 1A and 25 PERMIT		
Description:	Missing fugitive emissions leak tags		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-4(b)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(b) 5C THSC Chapter 382 382.085(b) SC 9I PERMIT ST & C 1A and 25 PERMIT		
Description:	Late fugitive leak repair for the relief valve (RV36264)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) ST & C 1A PERMIT		
Description:	Late HRVOC grab sampling for the Coker Flare (EPNFLARECOKE) and the East Property Flare (EPFLARE)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H) 30 TAC Chapter 122, SubChapter B 122.143(4)		

5C THSC Chapter 382 382.085(b)  
 ST & C 1A PERMIT  
 Description: Tank roof vents open due to tank roof landings  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 42C(ii) PERMIT  
 ST & C 25 PERMIT  
 Description: Failure to conduct daily calibrations of monitoring instruments and failure to maintain calibration records  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.340(c)(1)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 ST & C 1A PERMIT  
 Description: Excessive downtime of NOx analyzer for the Catalytic Reformer SCR (EPN H53NN)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 ST & C 1A PERMIT  
 Description: CO exceedances from the Process Heaters (EPNs H1000, H5103, and H31003)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 3B PERMIT  
 ST & C 25 PERMIT  
 Description: CO exceedances from the Duct Burner 1 (EPN CDUCT1)

8 Date: 08/12/2013 (1073212) CN601542012  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(d)(3)(iii)  
 5C THSC Chapter 382 382.085(b)  
 Special Terms & Conditions 1.A OP  
 Description: Failure to prevent a secondary tank seal gap in excess of regulatory limits. (Category B19g1)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Terms and Conditions (ST&C) 1A OP  
 Description: Failure to Limit Carbon Monoxide Emissions from EPN FP3-1110 and FP3-1120 to 400 parts per million by volume (ppmv). (Category B19g1)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition (SC) 1 PERMIT  
 Special Terms and Conditions (ST&C) 15 OP  
 Description: Failure to Limit Nitrogen Oxide (NOx) Emissions from EPN FOL-700 and FOL-710 to 18.37 pounds per hour (lb/hr). (Category B19g1)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 8A PERMIT  
 Special Terms and Conditions (ST&C) 15 OP  
 Special Terms and Conditions (ST&C) 1A OP  
 Description: Failure to Maintain Flare Net Heating Value and Exit Velocity Within Permitted Limits. (Category B19g1)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

		40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THSC Chapter 382 382.085(b) Special Condition (SC) 6E PERMIT Special Terms and Conditions (ST&C) 15 OP Special Terms and Conditions (ST&C) 1A OP Description: Failure to Seal an Open Ended Line (OEL). (Category C10)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Terms and Conditions (ST&C) 1A OP		
	Description:	Failure to sample and analyze HRVOC concentration in the flare header gas when analyzer was down. (Category C1)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4) 5C THSC Chapter 382 382.085(b) Special Condition (SC) 8C PERMIT Special Terms and Conditions (ST&C) 1A OP		
	Description:	Failure to Prevent Visible Emissions from the OP3 Ground Flare (EPN OP3GRFLA). (Category C4)		
9	Date:	08/30/2013 (1073215)	CN601542012	
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Conditions PERMIT ST&C 13 OP		
	Description:	Failure to maintain records sufficient to demonstrate compliance with minimum scrubber solution flow rate requirements (Category C3).		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) General Terms & Conditions OP		
	Description:	Failure to report a deviation for failure to maintain records sufficient to demonstrate compliance with minimum scrubber solution flowrate requirements (Category C3).		
10	Date:	09/30/2013 (1135255)	CN601542012	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
11	Date:	10/31/2013 (1140654)	CN601542012	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
12	Date:	12/20/2013 (1123160)	CN601542012	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) Special Condition No. 1 PERMIT		
	Description:	Failure to prevent unauthorized emissions. Shell failed to prevent a rod-out tool from becoming lodged in a bleeder valve.		

#### F. Environmental audits:

Notice of Intent Date: 10/27/2009 (785669)  
 Disclosure Date: 08/02/2010  
 Viol. Classification: Major  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT NSR permit no. 3179 MAERT

Description: Failure to monitor tank's internal floating roof which resulted in abnormal venting via breather vents and caused the unauthorized emission of 15lb of acetone. No RQ was exceeded.

Notice of Intent Date: 11/12/2009 (785386)

Disclosure Date: 07/12/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 116, SubChapter G 116.715(a)

Description: Failure to perform LDAR directed maintenance on leaking components in refining units. Failing to meet 28 MID program requirements.

Notice of Intent Date: 01/12/2010 (789407)

No DOV Associated

Notice of Intent Date: 10/20/2010 (873036)

No DOV Associated

Notice of Intent Date: 11/18/2010 (884821)

Disclosure Date: 07/21/2011

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107

Description: Failed to report all required information or negative declaration of Subpart J Specific Reporting Requirements when the negative applicability statement is not marked in the cover letter of the report.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)

Description: Failed to report the magnitude of each period of excess emissions.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(e)(3)

Description: Failed to explicitly report the cause and corrective actions taken when monitoring systems were inoperable.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7

Description: Failed to submit a Fig. 1 summary report for all pollutant and diluents analyzers.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(h)

Description: Performed incorrect application of data reduction and downtime calculations during the out of control periods.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(12)(ii)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(c)

Description: Failed to include quarterly DARs in the semi-annual reports.

Notice of Intent Date: 01/26/2011 (899545)

No DOV Associated

Notice of Intent Date: 08/26/2011 (956682)

Disclosure Date: 10/27/2011

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(2)

Description: Failed to submit raw seal gap measurements from the external floating roof tanks to the agency within 60 days of taking the measurements; also the measurement data for the tanks that did not pass inspection were not submitted with the periodic compliance reports.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(A)

Description: Failed to conduct annual backflow preventer testing, and failed to provide notification to the users of the non-community water system of the missed backflow preventer tests within 45 days of discovery of the missed testing.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT K 264.254(b)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.303(b)(3)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.310(b)

Description: Failed to include a check of the Cell 2 primary leachate systems inspections in the Site 104 inspection records; failed to include 5 weeks of 2010 inspections of the Waste Pile (8/9, 10/25, 11/1, 11/8, and 12/20) in the records; and failed to include the April 2011 record for the closed site inspection as the record was not available.

Notice of Intent Date: 09/29/2011 (976141)

No DOV Associated

Notice of Intent Date: 04/24/2012 (1014033)

No DOV Associated

Notice of Intent Date: 06/11/2012 (1014412)

Disclosure Date: 09/26/2012

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT SC 1

Description: Failed to control emissions of benzene from the Catalytic Reformer #3 vent (V54) occurred to atmosphere in an amount greater than the MAERT limits in NSR Permit 21262 on nine separate periods since 2009. Details are listed here: 1/17/2009 1400-1659 hrs -46.6 lbs; 5/21/2009, 0600-1259 hrs --24.1 lbs; 7/3/2009 0600-1259, hrs - 129.2 lbs; 9/22/2009 1500-1659 hrs -- 17.1 lbs; 9/25/2009 0800-1159 hrs- 34.6 lbs; 7/11/2010 2000 hrs- /12/2010, 0959 hrs-140.31bs;1/9/2011 1000-1359 hrs -- 91.21bs; 11/23/2

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to submit initial notification of reportable emission events within the required time period.

Notice of Intent Date: 09/12/2012 (1043261)

No DOV Associated

Notice of Intent Date: 09/19/2012 (1035458)

Disclosure Date: 06/19/2013

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

Description: Failed to keep rim space vents closed when required in external floating roof tank A309.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

Description: Failed to keep rim space vents closed when required in external floating roof tank G360.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

Description: Failed to keep rim space vents closed when required in external floating roof tank G313.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

Description: Failed to keep rim space vents closed when required in external floating roof tank A324.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

Description: Failed to keep rim space vents closed when required in external floating roof tank A322.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

Description: Failed to keep rim space vents closed when required in external floating roof tank G359.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

Description: Failed to keep rim space vents closed when required in external floating roof tank G357 due to the malfunction of a rim vent pin.

**G. Type of environmental management systems (EMSs):**

1 ENVIRONMENTAL MANAGEMENT SYSTEM NON 30 TAC CH 90 CERTIFIED

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SHELL OIL COMPANY  
RN100211879

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2014-0330-IHW-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SHELL OIL COMPANY ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 5900 Highway 225 in Deer Park, Harris County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial and hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 12, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Dollars (\$14,000) of the administrative penalty and Three Thousand Five Hundred Dollars

- (\$3,500) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
  9. The Executive Director recognizes that the Respondent has developed and implemented operational procedures on June 23, 2014 to ensure that the automatic waste feed cutoff ("AWFCO") system is activated when operating conditions deviate from permitted limitations.
  10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have failed to properly operate and maintain the AWFCO system to automatically cutoff the hazardous waste feed when operating conditions deviate from permitted limitations, in violation of 30 TEX. ADMIN. CODE § 335.221(a)(6) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 266.102(e)(1) and Hazardous Waste Permit No. 50099, Provisions V.I.3.b. and V.I.3.d., as documented during an investigation conducted on November 13, 2013. Specifically, a review of the operational log for June 1, 2011, indicated the hourly rolling average ("HRA") steam flow rate was noted at 87,866.7 pounds per hour, below the Facility's permitted minimum allowance of 90,000 pounds per hour, and a review of the operational log for May 24, 2012, indicated the HRA ash content of waste feed was 46.1309 pounds per hour into the boiler, exceeding the Facility's permitted allowance of 6.5 pounds per hour.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: SHELL OIL COMPANY, Docket No. 2014-0330-IHW-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

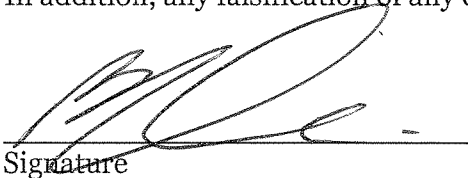
9/25/14  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

7/1/14  
Date

BARRY KWON  
Name (Printed or typed)  
Authorized Representative of  
SHELL OIL COMPANY

GM- DEER PARK SITE  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.